# Exhibit A

From: Flibbert, Michael <michael.flibbert@finnegan.com>

**Sent:** Friday, March 17, 2023 9:09 AM

**To:** Williamson, Amanda S.; Blumenfeld, Jack; Dudash, Amy M.; Sikora, Michael T. **Cc:** NS District Court; Raich, William; Lee, Yoonjin; Chard, Beth Ann; McCorquindale, J.

Derek; Kozikowski, John; Lipsey, Charles; Lipton, Alissa; O'Quinn, Ryan; Dellinger, Megan

E.; Kim, Yoonhee

**Subject:** RE: Nippon Shinyaku v. Sarepta - Joinder of UWA

[EXTERNAL EMAIL] Amanda,

We disagree that NS would be prejudiced by joinder of UWA as a counter-plaintiff, especially in light of our communications on this topic over several months. There is ample time in the schedule for NS to serve additional discovery requests and UWA intends to fully comply with its discovery obligations once it joins the case as a party. But UWA is joining the case solely to address any perceived standing deficiency in connection with Sarepta's infringement counterclaims, and its discovery obligations should be reasonably commensurate with that limited involvement in the case. Recall that Sarepta tried to avoid having to join UWA as a counter-plaintiff, but NS failed until recently to even respond to Sarepta's proposed stipulation. NS does not appear to dispute that joinder is appropriate and is in no position to complain about any purported prejudice caused by NS's own delays.

I will circulate a Teams invite for a meet and confer at 1:00 p.m. ET today.

Best regards, Mike

#### Michael J. Flibbert Bio

Partner

Finnegan, Henderson, Farabow, Garrett & Dunner, LLP 901 New York Avenue, NW, Washington, DC 20001-4413 +1 202 408 4493 | fax +1 202 408 4400 | michael.flibbert@finnegan.com | www.finnegan.com

### FINNEGAN

From: Williamson, Amanda S. <amanda.williamson@morganlewis.com>

Sent: Wednesday, March 15, 2023 12:10 PM

**To:** Flibbert, Michael <michael.flibbert@finnegan.com>; Blumenfeld, Jack <JBlumenfeld@morrisnichols.com>; Dudash, Amy M. <amy.dudash@morganlewis.com>; Sikora, Michael T. <michael.sikora@morganlewis.com>

Cc: NS District Court <NSDistrictCourt@morganlewis.com>; Raich, William <William.Raich@finnegan.com>; Lee, Yoonjin

- <Yoonjin.Lee@finnegan.com>; Chard, Beth Ann <BChard@morrisnichols.com>; McCorquindale, J. Derek
- <Derek.McCorquindale@finnegan.com>; Kozikowski, John <John.Kozikowski@finnegan.com>; Lipsey, Charles
- <charles.lipsey@finnegan.com>; Lipton, Alissa <Alissa.Lipton@finnegan.com>; O'Quinn, Ryan
- <Ryan.O'Quinn@finnegan.com>; Dellinger, Megan E. <mdellinger@morrisnichols.com>; Kim, Yoonhee
- <Yoonhee.Kim@finnegan.com>

Subject: RE: Nippon Shinyaku v. Sarepta - Joinder of UWA

#### **EXTERNAL** Email:

Mike,

NS cannot consent to joining UWA under the conditions you propose as they severely prejudice NS. Sarepta has no basis to suggest that, as a party, UWA can simply ignore its discovery obligations. Contrary to Sarepta's statements below, without discovery from UWA, NS is unable to determine whether the addition of UWA might "substantively affect the parties' claims and defenses." NS also disputes that Sarepta has fully complied with its discovery obligations with respect to either the outstanding document requests or interrogatories. It goes without saying that UWA is likely to have additional documents in its possession (beyond the lab notebooks that Sarepta produced) that are relevant to the research undertaken at UWA by UWA-employed researchers leading to the UWA patents.

NS consents to Sarepta's joinder of UWA, but only if Sarepta and UWA agree that UWA will comply with the Scheduling Order (Dkt. 143), including by undertaking the following:

- Serve Rule 26(a)(1) Initial Disclosures and join the Protective Order within 14 days of joinder (Dkt. 143 ¶ 1, 15);
- Agree that any discovery requests served on Sarepta through the date of joinder will be deemed to have been served on Sarepta and UWS (*Id.* at ¶ 4);
- Respond to NS's outstanding requests for production within 30 days of joinder (Id. at ¶ 4);
- Respond to NS's outstanding interrogatories and requests for admission, either by explicitly joining in Sarepta's
  responses or by providing separate responses, within 30 days of joinder (Id. at ¶ 4);
- Serve core technical documents within 30 days of joinder (*Id.* at ¶ 3(b));
- Explicitly adopt Sarepta's invalidity and infringement contentions or disclose its own invalidity and infringement contentions within 30 days of joinder (*Id.* at ¶ 3(d) and (e)); and
- Formally join in Sarepta's claim construction positions and briefing within 10 days of joinder and confirm that UWA does not intend to seek separate oral argument or additional argument time for Defendants at the claim construction hearing (*Id.* at ¶¶ 7-10).

UWA would have been subject to all of these deadlines and requirements had it been a party from the outset of the case. Indeed, NS has already been prejudiced in the delay in receiving the information outlined above, particularly since Sarepta should have known UWA was a necessary party from the start.

Separately, it strains credibility to suggest that Finnegan needs yet more time to investigate the status of UWA's named inventors Stephen Wilson, Sue Fletcher, and Graham McClorey. NS requested information about the status of the named inventors last summer, and Finnegan has represented the named inventors and UWA since last Fall. Sarepta identified the UWA inventors as individuals "likely to have discoverable information that Sarepta may use to support its claims or defenses" in its Initial Disclosures served on December 2, 2022 and yet, to date, refuses to make them available for deposition voluntarily. Given that the fact discovery deadline is rapidly approaching, NS simply cannot continue to wait. We need your assurance by Wednesday, March 22, 2023 that Finnegan will accept service of notices of deposition for each and work with us to schedule these depositions without further process and burden to the parties. Otherwise, we will have no choice other than to pursue depositions and documents through the Hague Convention, which will be burdensome for all parties involved.

We are available to meet and confer on Friday, March 17, 2023 between 1pm and 3pm ET should you wish to discuss these matters further.

Amanda

#### **Amanda S. Williamson**

Morgan, Lewis & Bockius LLP

110 North Wacker Drive, Suite 2800 | Chicago, IL 60606-1511

Direct: +1.312.324.1450 | Main: +1.312.324.1000 | Fax: +1.312.324.1001

amanda.williamson@morganlewis.com | www.morganlewis.com

Assistant: Melissa C. Martier | +1.312.324.1161 | melissa.martier@morganlewis.com

From: Flibbert, Michael <michael.flibbert@finnegan.com>

Sent: Tuesday, March 14, 2023 7:40 AM

To: Williamson, Amanda S. <amanda.williamson@morganlewis.com>; Blumenfeld, Jack

<JBlumenfeld@morrisnichols.com>; Dudash, Amy M. <amy.dudash@morganlewis.com>; Sikora, Michael T.

<michael.sikora@morganlewis.com>

Cc: NS District Court < NSDistrictCourt@morganlewis.com >; Raich, William < William.Raich@finnegan.com >; Lee, Yoonjin

<Yoonjin.Lee@finnegan.com>; Chard, Beth Ann <BChard@morrisnichols.com>; McCorquindale, J. Derek

<Derek.McCorquindale@finnegan.com>; Kozikowski, John <John.Kozikowski@finnegan.com>; Lipsey, Charles

<charles.lipsey@finnegan.com>; Lipton, Alissa <Alissa.Lipton@finnegan.com>; O'Quinn, Ryan

<Ryan.O'Quinn@finnegan.com>; Dellinger, Megan E. <mdellinger@morrisnichols.com>; Kim, Yoonhee

<Yoonhee.Kim@finnegan.com>

Subject: RE: Nippon Shinyaku v. Sarepta - Joinder of UWA

[EXTERNAL EMAIL]

Amanda,

Thank you for NS's proposal regarding joinder of UWA and for our follow-up discussion last Thursday. I provide Sarepta/UWA's responses to NS's proposal below:

- 1. We don't think it's reasonable or practical to expect UWA to respond to all previously served discovery in the case. UWA is joining the case for the limited purpose of addressing any perceived standing deficiency in connection with Sarepta's infringement counterclaims in light of the parties' failure to reach an agreement. Particularly in light of our discussions of this topic over many months, the addition of UWA as a counter-plaintiff will not prejudice NS and is unlikely to substantively affect the parties' claims and defenses. In addition, Sarepta has already fully responded to NS's discovery requests and provided substantial discovery to NS, including the UWA laboratory notebooks. Further, once UWA is joined as a party, NS can serve discovery requests directly on UWA to the extent NS believes that it needs discovery from UWA. Fact discovery does not close until July 27, 2023.
- 2. Regarding a potential Rule 30(b)(6) deposition of UWA, Paragraph 4(e)(ii) of the Scheduling Order addresses the location of depositions, including for any party such as UWA that becomes a counterclaimant. Without waiving any objection that it may assert in response to a future deposition notice, UWA intends to abide by Paragraph 4(e)(ii) of the Scheduling Order as appropriate after it joins the case as a party.
- 3. As we have explained, the inventors of the UWA Patents are former employees of UWA. UWA has no contractual or other ability to make the inventors available for deposition or to request their participation in this case in any other way. Finnegan, however, represents the inventors. We will follow up once we have more information on their potential availability.
- 4. Given the number of remaining interrogatories that NS can still serve after UWA joins the case, we do not see any need or justification at this time for increasing the maximum of 35 interrogatories provided for by the Scheduling Order. We are willing, however, to discuss an agreed-upon increase in the maximum if it becomes necessary after UWA joins.

Please let us know if NS will consent to joinder of UWA by Thursday, March 16. If NS opposes, please provide the basis for opposition. I'm available to discuss if you have any questions. Thank you.

Best regards, Mike

Michael J. Flibbert Bio

Partner

# Case 1:21-cv-01015-JLH Document 179-1 Filed 03/28/23 Page 5 of 11 PageID #: 8382

Finnegan, Henderson, Farabow, Garrett & Dunner, LLP 901 New York Avenue, NW, Washington, DC 20001-4413 +1 202 408 4493 | fax +1 202 408 4400 | michael.flibbert@finnegan.com | www.finnegan.com

### FINNEGAN

From: Williamson, Amanda S. <amanda.williamson@morganlewis.com>

**Sent:** Thursday, March 9, 2023 11:11 AM

To: Flibbert, Michael <michael.flibbert@finnegan.com>; Blumenfeld, Jack <JBlumenfeld@morrisnichols.com>; Dudash,

Amy M. <amy.dudash@morganlewis.com>; Sikora, Michael T. <michael.sikora@morganlewis.com>

**Cc:** NS District Court < <a href="MSDistrictCourt@morganlewis.com">MSDistrictCourt@morganlewis.com</a>; Raich, William < <a href="MSDistrictCourt@morganlewis.com">William Raich@finnegan.com</a>; Lee, Yoonjin

< <a href="mailto:Yoonjin.Lee@finnegan.com">Yoonjin.Lee@finnegan.com</a>; Chard, Beth Ann < <a href="mailto:BChard@morrisnichols.com">BChard@morrisnichols.com</a>; McCorquindale, J. Derek

<Derek.McCorquindale@finnegan.com>; Kozikowski, John <John.Kozikowski@finnegan.com>; Lipsey, Charles

<<u>charles.lipsey@finnegan.com</u>>; Lipton, Alissa <<u>Alissa.Lipton@finnegan.com</u>>; O'Quinn, Ryan

<Ryan.O'Quinn@finnegan.com>; Dellinger, Megan E. <mdellinger@morrisnichols.com>; Kim, Yoonhee

<Yoonhee.Kim@finnegan.com>

Subject: RE: Nippon Shinyaku v. Sarepta - Joinder of UWA

#### **EXTERNAL** Email:

Michael,

NS will agree not to object to Sarepta's motion to join UWA provided we can also come to agreement concerning UWA's participation in discovery and discovery obligations. Please let us know whether you will agree to the following:

- 1. UWA will respond to NS's outstanding and future Requests for Production of Documents, Interrogatories, and Requests for Admission;
- 2. UWA will make a witness or witnesses available in Delaware or in another mutually agreeable location in the US in response to any 30(b)(6) notice that NS subsequently issues;
- 3. UWA will make the UWA inventors available for deposition in the US; and
- 4. Sarepta and UWA will permit NS to issue five interrogatories in addition to the 35 interrogatories currently permitted under the Court's scheduling order.

Regards, Amanda

#### Amanda S. Williamson

Morgan, Lewis & Bockius LLP

110 North Wacker Drive, Suite 2800 | Chicago, IL 60606-1511

Direct: +1.312.324.1450 | Main: +1.312.324.1000 | Fax: +1.312.324.1001

 $amanda.williams on @morganlewis.com \mid www.morganlewis.com$ 

Assistant: Melissa C. Martier | +1.312.324.1161 | melissa.martier@morganlewis.com

**From:** Flibbert, Michael < michael.flibbert@finnegan.com >

Sent: Tuesday, March 7, 2023 11:04 AM

To: Williamson, Amanda S. <a href="mailto:amanda.williamson@morganlewis.com">amanda.williamson@morganlewis.com</a>; Blumenfeld, Jack

<<u>JBlumenfeld@morrisnichols.com</u>>; Dudash, Amy M. <<u>amy.dudash@morganlewis.com</u>>; Sikora, Michael T.

<michael.sikora@morganlewis.com>

Cc: NS District Court <NSDistrictCourt@morganlewis.com>; Raich, William <William.Raich@finnegan.com>; Lee, Yoonjin

## Case 1:21-cv-01015-JLH Document 179-1 Filed 03/28/23 Page 6 of 11 PageID #: 8383

<a href="mailto:</a><a href="mailto:Yoonjin.Lee@finnegan.com">yoonjin.Lee@finnegan.com</a>; Chard, Beth Ann <a href="mailto:BChard@morrisnichols.com">BChard@morrisnichols.com</a>; McCorquindale, J. Derek

- <Derek.McCorquindale@finnegan.com>; Kozikowski, John <John.Kozikowski@finnegan.com>; Lipsey, Charles
- <<u>charles.lipsey@finnegan.com</u>>; Lipton, Alissa <<u>Alissa.Lipton@finnegan.com</u>>; O'Quinn, Ryan
- <Ryan.O'Quinn@finnegan.com>; Dellinger, Megan E. <<u>mdellinger@morrisnichols.com</u>>; Kim, Yoonhee

< Yoonhee. Kim@finnegan.com>

Subject: RE: Nippon Shinyaku v. Sarepta - Joinder of UWA

#### [EXTERNAL EMAIL]

Thanks, Amanda. 2:00 p.m. ET works better for us, so we'd appreciate it if you could please adjust the invite. Best regards, Mike

From: Williamson, Amanda S. <amanda.williamson@morganlewis.com>

Sent: Tuesday, March 7, 2023 11:56 AM

**To:** Blumenfeld, Jack < <u>JBlumenfeld@morrisnichols.com</u>>; Flibbert, Michael < <u>michael.flibbert@finnegan.com</u>>; Dudash,

Amy M. <amy.dudash@morganlewis.com>; Sikora, Michael T. <michael.sikora@morganlewis.com>

**Cc:** NS District Court < <a href="MSDistrictCourt@morganlewis.com">MSDistrictCourt@morganlewis.com</a>; Raich, William < <a href="MSDistrictCourt@morganlewis.com">MSDistrictCourt@morganlewis.com</a>; Lee, Yoonjin

<a href="mailto:specific-bases-serif">Yoonjin.Lee@finnegan.com</a>; Chard, Beth Ann <a href="mailto:BChard@morrisnichols.com">BChard@morrisnichols.com</a>; McCorquindale, J. Derek

<<u>Derek.McCorquindale@finnegan.com</u>>; Kozikowski, John <<u>John.Kozikowski@finnegan.com</u>>; Lipsey, Charles

<charles.lipsey@finnegan.com>; Lipton, Alissa <Alissa.Lipton@finnegan.com>; O'Quinn, Ryan

<Ryan.O'Quinn@finnegan.com>; Dellinger, Megan E. <<u>mdellinger@morrisnichols.com</u>>; Kim, Yoonhee

<Yoonhee.Kim@finnegan.com>

Subject: RE: Nippon Shinyaku v. Sarepta - Joinder of UWA

#### **EXTERNAL** Email:

2pm ET is fine with me. Just let me know what works best for your side.

Amanda

#### Amanda S. Williamson

Morgan, Lewis & Bockius LLP

110 North Wacker Drive, Suite 2800 | Chicago, IL 60606-1511

Direct: +1.312.324.1450 | Main: +1.312.324.1000 | Fax: +1.312.324.1001

amanda.williamson@morganlewis.com | www.morganlewis.com

Assistant: Melissa C. Martier | +1.312.324.1161 | melissa.martier@morganlewis.com

From: Blumenfeld, Jack < JBlumenfeld@morrisnichols.com>

Sent: Tuesday, March 7, 2023 10:51 AM

To: Flibbert, Michael < michael.flibbert@finnegan.com >; Williamson, Amanda S.

<amanda.williamson@morganlewis.com>; Dudash, Amy M. <amy.dudash@morganlewis.com>; Sikora, Michael T.

<michael.sikora@morganlewis.com>

Cc: NS District Court <NSDistrictCourt@morganlewis.com>; Raich, William <William.Raich@finnegan.com>; Lee, Yoonjin

< <a href="mailto:yoonjin.Lee@finnegan.com">y; Chard, Beth Ann < <a href="mailto:BChard@morrisnichols.com">BChard@morrisnichols.com</a>>; McCorquindale, J. Derek

<<u>Derek.McCorquindale@finnegan.com</u>>; Kozikowski, John <<u>John.Kozikowski@finnegan.com</u>>; Lipsey, Charles

<charles.lipsey@finnegan.com>; Lipton, Alissa <Alissa.Lipton@finnegan.com>; O'Quinn, Ryan

<Ryan.O'Quinn@finnegan.com>; Dellinger, Megan E. <mdellinger@morrisnichols.com>; Kim, Yoonhee

<Yoonhee.Kim@finnegan.com>

Subject: RE: Nippon Shinyaku v. Sarepta - Joinder of UWA

#### [EXTERNAL EMAIL]

2:00 ET would be better for me if it works for others.

### Case 1:21-cv-01015-JLH Document 179-1 Filed 03/28/23 Page 7 of 11 PageID #:

From: Flibbert, Michael <michael.flibbert@finnegan.com>

Sent: Tuesday, March 7, 2023 11:50 AM

To: Williamson, Amanda S. <amanda.williamson@morganlewis.com>; Dudash, Amy M.

<amy.dudash@morganlewis.com>; Sikora, Michael T. <michael.sikora@morganlewis.com>

Cc: NS District Court < <a href="MSDistrictCourt@morganlewis.com">MSDistrictCourt@morganlewis.com</a>; Blumenfeld, Jack < <a href="MSDIstrictCourt@morganlewis.com">MSDIstrictCourt@morganlewis.com</a>; Raich,

William < William.Raich@finnegan.com >; Lee, Yoonjin.Lee@finnegan.com >; Chard, Beth Ann

<BChard@morrisnichols.com>; McCorquindale, J. Derek <Derek.McCorquindale@finnegan.com>; Kozikowski, John

<John.Kozikowski@finnegan.com>; Lipsey, Charles <charles.lipsey@finnegan.com>; Lipton, Alissa

<mdellinger@morrisnichols.com>; Kim, Yoonhee <Yoonhee.Kim@finnegan.com>

Subject: [EXT] RE: Nippon Shinyaku v. Sarepta - Joinder of UWA

Thanks, Amanda. FYI, I received a Teams invite for 3:00 p.m. ET (rather than our proposed 2:00 p.m. ET). I believe that 3:00 p.m. ET (2:00 p.m. Central) should work, but I just wanted to confirm the time. Best regards, Mike

From: Williamson, Amanda S. <a href="mailto:amanda.williamson@morganlewis.com">amanda.williamson@morganlewis.com</a>

Sent: Tuesday, March 7, 2023 11:13 AM

**To:** Flibbert, Michael <<u>michael.flibbert@finnegan.com</u>>; Dudash, Amy M. <<u>amy.dudash@morganlewis.com</u>>; Sikora, Michael T. <<u>michael.sikora@morganlewis.com</u>>

**Cc:** NS District Court < <a href="mailto:NSDistrictCourt@morganlewis.com">NSDistrictCourt@morganlewis.com</a>>; Blumenfeld, Jack < <a href="mailto:JBlumenfeld@morrisnichols.com">JBlumenfeld@morrisnichols.com</a>>; Raich,

William < <u>William.Raich@finnegan.com</u>>; Lee, Yoonjin < <u>Yoonjin.Lee@finnegan.com</u>>; Chard, Beth Ann

<<u>BChard@morrisnichols.com</u>>; McCorquindale, J. Derek <<u>Derek.McCorquindale@finnegan.com</u>>; Kozikowski, John

<<u>John.Kozikowski@finnegan.com</u>>; Lipsey, Charles <<u>charles.lipsey@finnegan.com</u>>; Lipton, Alissa

<mdellinger@morrisnichols.com>; Kim, Yoonhee <Yoonhee.Kim@finnegan.com>

Subject: RE: Nippon Shinyaku v. Sarepta - Joinder of UWA

#### **EXTERNAL** Email:

That works for us. I sent you a Teams invite for that time.

Best, Amanda

#### Amanda S. Williamson

Morgan, Lewis & Bockius LLP

110 North Wacker Drive, Suite 2800 | Chicago, IL 60606-1511

Direct: +1.312.324.1450 | Main: +1.312.324.1000 | Fax: +1.312.324.1001

amanda.williamson@morganlewis.com | www.morganlewis.com

Assistant: Melissa C. Martier | +1.312.324.1161 | melissa.martier@morganlewis.com

**From:** Flibbert, Michael < michael.flibbert@finnegan.com >

Sent: Monday, March 6, 2023 5:24 PM

To: Williamson, Amanda S. <a href="mailto:amanda.williamson@morganlewis.com">amanda.williamson@morganlewis.com</a>; Dudash, Amy M.

<amy.dudash@morganlewis.com>; Sikora, Michael T. <michael.sikora@morganlewis.com>

Cc: NS District Court < <a href="MSDistrictCourt@morganlewis.com">MSDistrictCourt@morganlewis.com</a>; Blumenfeld, Jack < <a href="MSDIstrictCourt@morganlewis.com">MSDIstrictCourt@morganlewis.com</a>; Raich,

William < William.Raich@finnegan.com >; Lee, Yoonjin.Lee@finnegan.com >; Chard, Beth Ann

<BChard@morrisnichols.com>; McCorquindale, J. Derek <Derek.McCorquindale@finnegan.com>; Kozikowski, John

<<u>John.Kozikowski@finnegan.com</u>>; Lipsey, Charles <<u>charles.lipsey@finnegan.com</u>>; Lipton, Alissa

<a href="mailto:</a> <a href="mailto:</a> <a href="mailto:</a> (a) <a h

<mdellinger@morrisnichols.com>; Kim, Yoonhee < Yoonhee.Kim@finnegan.com>

Subject: RE: Nippon Shinyaku v. Sarepta - Joinder of UWA

# Case 1:21-cv-01015-JLH Document 179-1 Filed 03/28/23 Page 8 of 11 PageID #: 8385

#### [EXTERNAL EMAIL]

Thanks, Amanda. Would 2:00 p.m. Eastern/1:00 p.m. Central on Thursday work for you?

Best regards,

Mike

From: Williamson, Amanda S. <amanda.williamson@morganlewis.com>

**Sent:** Monday, March 6, 2023 5:56 PM

**To:** Flibbert, Michael <<u>michael.flibbert@finnegan.com</u>>; Dudash, Amy M. <<u>amy.dudash@morganlewis.com</u>>; Sikora, Michael T. <<u>michael.sikora@morganlewis.com</u>>

Cc: NS District Court <NSDistrictCourt@morganlewis.com>; Blumenfeld, Jack <JBlumenfeld@morrisnichols.com>; Raich,

William < <u>William.Raich@finnegan.com</u>>; Lee, Yoonjin < <u>Yoonjin.Lee@finnegan.com</u>>; Chard, Beth Ann

<BChard@morrisnichols.com>; McCorquindale, J. Derek <Derek.McCorquindale@finnegan.com>; Kozikowski, John

<<u>John.Kozikowski@finnegan.com</u>>; Lipsey, Charles <<u>charles.lipsey@finnegan.com</u>>; Lipton, Alissa

<a href="mailto:sallipton@finnegan.com"><a href="mailto:Alissa.Lipton@finnegan.com"><a href="mailto:Dellinger">Dellinger</a>, O'Quinn, Ryan < Ryan.O'Quinn@finnegan.com</a>; Dellinger, Megan E.

<mdellinger@morrisnichols.com>; Kim, Yoonhee <Yoonhee.Kim@finnegan.com>

Subject: RE: Nippon Shinyaku v. Sarepta - Joinder of UWA

#### **EXTERNAL** Email:

Michael,

I expect to have an answer for you by Thursday morning. Please propose some time that work for you on Thursday or Friday. We can hold that time/date with the understanding that a meet and confer may not be necessary.

Best, Amanda

#### **Amanda S. Williamson**

Morgan, Lewis & Bockius LLP

110 North Wacker Drive, Suite 2800 | Chicago, IL 60606-1511

Direct: +1.312.324.1450 | Main: +1.312.324.1000 | Fax: +1.312.324.1001

amanda.williamson@morganlewis.com | www.morganlewis.com

Assistant: Melissa C. Martier | +1.312.324.1161 | melissa.martier@morganlewis.com

From: Flibbert, Michael <michael.flibbert@finnegan.com>

Sent: Monday, March 6, 2023 4:23 PM

To: Williamson, Amanda S. <a href="mailto:amanda.williamson@morganlewis.com">amanda.williamson@morganlewis.com</a>; Dudash, Amy M.

<amy.dudash@morganlewis.com>; Sikora, Michael T. <michael.sikora@morganlewis.com>

Cc: NS District Court < NSDistrictCourt@morganlewis.com>; Blumenfeld, Jack < JBlumenfeld@morrisnichols.com>; Raich,

William < William .com>; Lee, Yoonjin < Yoonjin.Lee@finnegan.com>; Chard, Beth Ann

<BChard@morrisnichols.com>; McCorquindale, J. Derek <Derek.McCorquindale@finnegan.com>; Kozikowski, John

<<u>John.Kozikowski@finnegan.com</u>>; Lipsey, Charles <<u>charles.lipsey@finnegan.com</u>>; Lipton, Alissa

<Alissa.Lipton@finnegan.com>; O'Quinn, Ryan <Ryan.O'Quinn@finnegan.com>; Dellinger, Megan E.

<mdellinger@morrisnichols.com>; Kim, Yoonhee <Yoonhee.Kim@finnegan.com>

Subject: RE: Nippon Shinyaku v. Sarepta - Joinder of UWA

[EXTERNAL EMAIL]

Amanda,

# Case 1:21-cv-01015-JLH Document 179-1 Filed 03/28/23 Page 9 of 11 PageID #: 8386

Thank you for your note. To ensure that we can resolve the UWA joinder issue this week, please provide your availability to meet and confer this week. I will circulate a calendar invite with a dial-in number.

Best regards, Mike

#### Michael J. Flibbert Bio

Partner

Finnegan, Henderson, Farabow, Garrett & Dunner, LLP 901 New York Avenue, NW, Washington, DC 20001-4413 +1 202 408 4493 | fax +1 202 408 4400 | michael.flibbert@finnegan.com | www.finnegan.com

### FINNEGAN

From: Williamson, Amanda S. <amanda.williamson@morganlewis.com>

Sent: Monday, March 6, 2023 1:56 PM

**To:** Flibbert, Michael <<u>michael.flibbert@finnegan.com</u>>; Dudash, Amy M. <<u>amy.dudash@morganlewis.com</u>>; Sikora,

Michael T. < michael.sikora@morganlewis.com >

**Cc:** NS District Court < <a href="mailto:NSDistrictCourt@morganlewis.com">NSDistrictCourt@morganlewis.com</a>>; Blumenfeld, Jack < <a href="mailto:JBlumenfeld@morrisnichols.com">JBlumenfeld@morrisnichols.com</a>>; Raich,

William < <u>William.Raich@finnegan.com</u>>; Lee, Yoonjin < <u>Yoonjin.Lee@finnegan.com</u>>; Chard, Beth Ann

<<u>BChard@morrisnichols.com</u>>; McCorquindale, J. Derek <<u>Derek.McCorquindale@finnegan.com</u>>; Kozikowski, John

<<u>John.Kozikowski@finnegan.com</u>>; Lipsey, Charles <<u>charles.lipsey@finnegan.com</u>>; Lipton, Alissa

<mdellinger@morrisnichols.com>; Kim, Yoonhee <Yoonhee.Kim@finnegan.com>

Subject: RE: Nippon Shinyaku v. Sarepta - Joinder of UWA

#### **EXTERNAL** Email:

Michael,

We will discuss this matter with NS and respond to you later this week.

Best, Amanda

#### Amanda S. Williamson

Morgan, Lewis & Bockius LLP

110 North Wacker Drive, Suite 2800 | Chicago, IL 60606-1511

Direct: +1.312.324.1450 | Main: +1.312.324.1000 | Fax: +1.312.324.1001

amanda.williamson@morganlewis.com | www.morganlewis.com

Assistant: Melissa C. Martier | +1.312.324.1161 | melissa.martier@morganlewis.com

**From:** Flibbert, Michael < <u>michael.flibbert@finnegan.com</u>>

Sent: Friday, March 3, 2023 1:11 PM

To: Williamson, Amanda S. <amanda.williamson@morganlewis.com>; Dudash, Amy M.

<amy.dudash@morganlewis.com>; Sikora, Michael T. <michael.sikora@morganlewis.com>

Cc: NS District Court < NSDistrictCourt@morganlewis.com>; Blumenfeld, Jack < JBlumenfeld@morrisnichols.com>; Raich,

William < William.Raich@finnegan.com >; Lee, Yoonjin.Lee@finnegan.com >; Chard, Beth Ann

<BChard@morrisnichols.com>; McCorquindale, J. Derek <Derek.McCorquindale@finnegan.com>; Kozikowski, John

<John.Kozikowski@finnegan.com>; Lipsey, Charles <charles.lipsey@finnegan.com>; Lipton, Alissa

<Alissa.Lipton@finnegan.com>; O'Quinn, Ryan <Ryan.O'Quinn@finnegan.com>; Dellinger, Megan E.

Case 1:21-cv-01015-JLH Document 179-1 Filed 03/28/23 Page 10 of 11 PageID #:

<mdellinger@morrisnichols.com>; Kim, Yoonhee <Yoonhee.Kim@finnegan.com>

Subject: Nippon Shinyaku v. Sarepta - Joinder of UWA

[EXTERNAL EMAIL] Amanda,

Sarepta intends to move to join UWA as a Counter-Plaintiff on Sarepta's Counterclaims I-III against Nippon Shinyaku and NS Pharma for infringement of the UWA Patents and to amend Sarepta's answer (D.I. 89) to reflect UWA's joinder as a Counter-Plaintiff on the infringement counterclaims. Could you please let us know if Nippon Shinyaku and NS Pharma will oppose that motion?

I'm available for a call to discuss if you have any questions. Thank you.

Best regards, Mike

#### Michael J. Flibbert Bio

Partner

Finnegan, Henderson, Farabow, Garrett & Dunner, LLP 901 New York Avenue, NW, Washington, DC 20001-4413 +1 202 408 4493 | fax +1 202 408 4400 | michael.flibbert@finnegan.com | www.finnegan.com

### FINNEGAN

This e-mail message is intended only for individual(s) to whom it is addressed and may contain information that is privileged, confidential, proprietary, or otherwise exempt from disclosure under applicable law. If you believe you have received this message in error, please advise the sender by return e-mail and delete it from your mailbox. Thank you.

This e-mail message is intended only for individual(s) to whom it is addressed and may contain information that is privileged, confidential, proprietary, or otherwise exempt from disclosure under applicable law. If you believe you have received this message in error, please advise the sender by return e-mail and delete it from your mailbox. Thank you.

This e-mail message is intended only for individual(s) to whom it is addressed and may contain information that is privileged, confidential, proprietary, or otherwise exempt from disclosure under applicable law. If you believe you have received this message in error, please advise the sender by return e-mail and delete it from your mailbox. Thank you.

This e-mail message is intended only for individual(s) to whom it is addressed and may contain information that is privileged, confidential, proprietary, or otherwise exempt from disclosure under applicable law. If you believe you have received this message in error, please advise the sender by return e-mail and delete it from your mailbox. Thank you.

This e-mail message is intended only for individual(s) to whom it is addressed and may contain information that is privileged, confidential, proprietary, or otherwise exempt from disclosure under applicable law. If you believe you have received this message in error, please advise the sender by return e-mail and delete it from your mailbox. Thank you.

This e-mail message is intended only for individual(s) to whom it is addressed and may contain information that is privileged, confidential, proprietary, or otherwise exempt from disclosure under applicable law. If you believe you have received this message in error, please advise the sender by return e-mail and delete it from your mailbox. Thank you.

This e-mail message is intended only for individual(s) to whom it is addressed and may contain information that is privileged, confidential, proprietary, or otherwise exempt from disclosure under applicable law. If you believe you have received this message in error, please advise the sender by return e-mail and delete it from your mailbox. Thank you.

This e-mail message is intended only for individual(s) to whom it is addressed and may contain information that is privileged, confidential, proprietary, or otherwise exempt from disclosure under applicable law. If you believe you have received this message in error, please advise the sender by return e-mail and delete it from your mailbox. Thank you.

## Case 1:21-cv-01015-JLH Document 179-1 Filed 03/28/23 Page 11 of 11 PageID #: 8388

This message, including any accompanying documents or attachments, may contain information that is confidential or that is privileged. If you are not the intended recipient of this message, please note that the dissemination, distribution, use or copying of this message or any of the accompanying documents or attachments is strictly prohibited. If you believe that you may have received this message in error, please contact me at (302) 658-9200 or by return e-mail.

This e-mail message is intended only for individual(s) to whom it is addressed and may contain information that is privileged, confidential, proprietary, or otherwise exempt from disclosure under applicable law. If you believe you have received this message in error, please advise the sender by return e-mail and delete it from your mailbox. Thank you.

This e-mail message is intended only for individual(s) to whom it is addressed and may contain information that is privileged, confidential, proprietary, or otherwise exempt from disclosure under applicable law. If you believe you have received this message in error, please advise the sender by return e-mail and delete it from your mailbox. Thank you.

This e-mail message is intended only for individual(s) to whom it is addressed and may contain information that is privileged, confidential, proprietary, or otherwise exempt from disclosure under applicable law. If you believe you have received this message in error, please advise the sender by return e-mail and delete it from your mailbox. Thank you.

This e-mail message is intended only for individual(s) to whom it is addressed and may contain information that is privileged, confidential, proprietary, or otherwise exempt from disclosure under applicable law. If you believe you have received this message in error, please advise the sender by return e-mail and delete it from your mailbox. Thank you.

This e-mail message is intended only for individual(s) to whom it is addressed and may contain information that is privileged, confidential, proprietary, or otherwise exempt from disclosure under applicable law. If you believe you have received this message in error, please advise the sender by return e-mail and delete it from your mailbox. Thank you.

This e-mail message is intended only for individual(s) to whom it is addressed and may contain information that is privileged, confidential, proprietary, or otherwise exempt from disclosure under applicable law. If you believe you have received this message in error, please advise the sender by return e-mail and delete it from your mailbox. Thank you.